

TFW

Docket No. 28396-4  
**CERTIFICATE OF MAILING**

**PATENT**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450; Alexandria, VA 22313-1450 on June 9<sup>th</sup>, 2004.

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: BRANDON, et al. : Paper No.:  
Serial No.: 10/734,408 : Group Art Unit: 2834  
Filing Date: February 20, 2004 : Examiner: Julio C. Gonzalez  
For: **ELECTRIC GENERATOR AND MOTOR DRIVE SYSTEM**

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

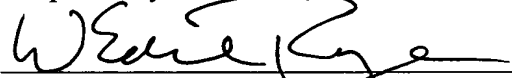
Dear Sir:

In the Official Action dated May 14, 2004, the Examiner required restriction under 35 U.S.C. § 121 between Group I (claims 28-30, drawn to a control method for a drive system, classified in class 322, subclass 28), Group II (claims 31-34, drawn to a control method for a traction drive system, classified in class 180, subclass 15), and Group III (claims 35-38, drawn to a hybrid vehicle device, classified in class 180, subclass 65.2). The Examiner asserted that restriction is required because Groups I and II are related as combination and subcombination, and that the combination as claimed in Group I does not require equalizing the speed of the two motors regardless of the loss of traction as disclosed in Group II. The Examiner further asserted that Groups I and II described different methods that can be implemented to different inventions. The Examiner also asserted that Groups I and III are related as combination and subcombination, and that the subcombination has separate utility.

Applicant elects Group I, claims 28-30, drawn to a control method for a drive system, classified in class 322, subclass 38, with traverse with regard to Group II. The restriction requirement is traversed on the basis that Groups I and II are related as combination and subcombination *capable of use together* (MPEP § 806.04, MPEP § 808.01). In contrast to the examples given in the MPEP of inventions not capable of use together (e.g., a shoe and a locomotive bearing, MPEP § 806.04(A); a necktie and a locomotive bearing, MPEP § 808.01), the inventions in Groups I and II are disclosed as capable of use together.

It is believed that this represents a complete response to the election and restriction requirement set forth in the Official Action, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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